

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No. CV 11-01265 MMM Date December 19, 2011

Title *In re Kristin L. Adams*

Present: The Honorable MARGARET M. MORROW

ANEL HUERTA

N/A

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None appearing

None appearing

Proceedings: Order To Show Cause Why Appeal Should Not Be Dismissed for Lack of Prosecution; Order Vacating Hearing on Bankruptcy Appeal

On August 9, 2011, *pro se* appellant Kristin L Adams appealed a ruling of the bankruptcy court in Case No. 6:09-BK-28583-MJ of the United States Bankruptcy Court for the Central District of California.¹ On October 17, 2011, the court clerk gave the parties notice that the bankruptcy record was complete, and set a briefing schedule directing that appellant's opening brief be filed no later than October 31, 2011.² To date, no opening brief has been filed.

Rule 8001(a) of the Federal Rules of Bankruptcy Procedure states that "[a]n appellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal." The court therefore directs appellant to show cause in writing on or before December 29, 2011 why this action should not be dismissed for lack of prosecution.

¹Notice of Appeal, Docket No. 2 (Aug. 9, 2011).

² Notice Re: Bankruptcy Record Complete, Briefing Schedule and Notice of Entry, Docket No. 11 (Oct. 17, 2011) at 1. The notice states that extensions of time for the filing of briefs are not favored, and that any application for an extension must be served well before the due date for the brief.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds this matter is appropriate for submission without oral argument. The order to show cause will stand submitted on December 29, 2011. If appellant files the required opening brief on or before December 29, 2011, the court will consider this a satisfactory response to the Order to Show Cause.

The hearing on the appeal, calendared for January 9, 2012, is vacated. The court will set a new hearing date in the event that appellant is able adequately to respond to the order to show cause.